

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

RICHARD A. CERRONE,
Plaintiff(s),
v.
MICHAEL J. ASTRUE,
Defendant(s)

2:12-CV-1362 JCM (CWH)

ORDER

Presently before the court is the report and recommendation of Magistrate Judge Hoffman. (Doc. # 4). Plaintiff has failed to file any objections to the report and recommendation, and the deadline for filing objections to the report and recommendation has expired.

In a previous report and recommendation, the magistrate judge recommended the denial of plaintiff's application to proceed in forma pauperis because plaintiff's monthly income exceeds his identified monthly expenses. (*See* doc. # 2). This court adopted the order in its entirety. (Doc. # 3). Plaintiff had thirty days to pay the filing fee of \$350.00. Plaintiff never paid the filing fee and the magistrate judge now recommends dismissal of the action. (Doc. # 4). Plaintiff has failed to file objections to the report and recommendation and the deadline for filing objections to the report and recommendation has expired.

25 This court “may accept, reject, or modify, in whole or in part, the findings or
26 recommendations made by the magistrate.” 28 U.S.C. § 636(b)(1). Where a party timely objects to
27 a magistrate judge’s report and recommendation, then the court is required to “make a de novo

¹ determination of those portions of the [report and recommendation] to which objection is made.”
² 28 U.S.C. § 636(b)(1).

3 Where a party fails to object, however, the court is not required to conduct “any review at all
4 . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985).
5 Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate
6 judge’s report and recommendation where no objections have been filed. *See United States v.*
7 *Reyna-Tapia*, 328 F.3d 1114 (9th Cir.2003) (disregarding the standard of review employed by the
8 district court when reviewing a report and recommendation to which no objections were made); *see*
9 *also Schmidt v. Johnstone*, 263 F.Supp. 2d 1219, 1226 (D. Ariz. 2003) (reading the Ninth Circuit’s
10 decision in *Reyna-Tapia* as adopting the view that district courts are not required to review “any
11 issue that is not the subject of an objection.”). Thus, if there is no objection to a magistrate judge’s
12 recommendation, then this court may accept the recommendation without review. *See e.g.,*
13 *Johnstone*, 263 F.Supp.2d at 1226 (accepting, without review, a magistrate judge’s recommendation
14 to which no objection was filed).

Upon review of the magistrate judge's recommendation and good cause appearing,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED, that the report and recommendation of Magistrate Judge Hoffman (doc. # 4) be, and the same hereby is, ADOPTED in its entirety.

IT IS FURTHER ORDERED that the action is dismissed. The clerk of the court shall close the case and enter judgment.

21 || DATED February 7, 2013.

Xenia C. Mahan
UNITED STATES DISTRICT JUDGE